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# TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes August 11, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived 6:42 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Interim Town Administrator Robert Mercier, Acting Town Administrator/HR Director John Senchyshyn

**A1. Call to Order by Chair** Chair J. Nolan called the meeting of the Board of Selectmen to order at 6:32 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public.

**A2. Enter into Executive Session pursuant to MGL Chapter 30A, Section 21a(3) to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town and its Wastewater Management District Commission; Pursuant to MGL Chapter 30A, Section 21a(2), to Discuss Contract Negotiations regarding New Town Administrator Nan Balmer; Pursuant to MGL Chapter 30A Section 21a(6) to Discuss the Septage Meeting with Sudbury (Re: Value of Real Estate/Disposition)** At 6:34 p.m., J. Nolan moved, seconded by C. Karlson, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a (3), to discuss strategies with respect to pending litigation between Twenty Wayland, LLC and the Town and its Wastewater Management District Commission; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to conduct a strategy session in preparation for negotiations with nonunion personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (6) to consider the purchase, exchange, lease of value of real property. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town and its Wastewater Management District Commission, and the discussion of contract negotiations regarding the new Town Administrator Nan Balmer; and the discussion of the septage meeting with Sudbury (re: value of real estate/disposition) will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0. Chair J. Nolan invites attendance by members of the Planning Board, Interim Town Administrator Robert Mercier, and Acting Town Administrator/Human Resources Director John Senchyshyn. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 8:50 p.m.

**A3. Announcements** J. Nolan read a statement in response to an editorial by George Harris, 8 Holiday Road, in the Wayland Town Crier regarding the hiring of Town Administrator Nan Balmer. Police Chief Robert Irving appeared before the Board for the swearing in of Police Officer Timothy Henderson.

**A4. Public Comment** Nancy Carapezza, 233 Boston Post Road, reiterated her hope for a more transparent process by the Wastewater Management District Commission regarding the use of surcharges or betterments. She said that if the surcharges are totaled, they are in the six-figure range; she also discussed the cost of betterments with a five percent interest rate over twenty years. She noted that the residents in 40B units are receiving the same bills, and the Board of Selectmen needs to provide an abatement process. She asked for

Board leadership and guidance on the issue. Gretchen Dresens, 155 Main Street, abutter to the Finnerty's property, said she has attended three Planning Board meetings regarding the land court ruling and its effect on the town. She said the issue is for the land court to resolve, not the Planning Board.

**A5. Town Counsel Update on Hammond Way** Town Counsel Mark Lanza appeared before the Board to provide an update on the Hammond Way issue. He distributed a copy of the Land Court Plan from 1946 for lots 1, 2, 3 and 8A and 8B, which showed the land owned by the developer and a strip of land designated as "way." He said it is a public way, which has been privately used for years. He also noted it is significant that a "way" is a street under the bylaw, which causes setback issues under the zoning bylaws, and this is registered land, with clear title and boundaries. He said he advised the Planning Board to include Condition 30, and at that time, March 2013, it was defined as a private way. In the fall 2013, the landowner closed it to the public. Due to the status change in 2013, the owner of lot 4 has the unrestricted use of the way. The Land Court judge asked to hear from Town Counsel on July 29, 2014. M. Lanza said the town does not have a real property interest, but it has a regulatory interest. The subdivision control law went into effect in 1953, but the original plan for the "way" goes back to 1929. He said the control of the property comes under zoning. The issue before the Land Court is whether it will remain a "way" or become an easement; if it is ruled an easement, the issue is resolved. T. Boschetto asked when the decision is due. M. Lanza said if no other issues arise, it could be two months; however, if there are additional issues and appeals, it could take up to a year. E. Collins said the Planning Board continued its meeting until September 23, although the court meets on September 30. M. Lanza said the town is in a strong position if the September 23 meeting is delayed. J. Nolan said the Board of Selectmen is not a party to this issue. M. Lanza said the town is prohibited from snow plowing if the property is declared a "way," but said there are no grounds for the town to intervene.

**A6. Discussion with Town Counsel Regarding Glezen Lane** The Board was joined by Town Counsel Mark Lanza to discuss the Glezen Lane traffic issue. J. Nolan said the Board of Selectmen has received numerous inquiries about the mitigation measures, but cannot respond because the town is a party to the case. M. Lanza explained that after the Master Special Permit for the town center was approved, thirteen residents appealed the decision which led to the lawsuit. The residents were seeking traffic mitigation. For the agreement to become enforceable, the Board of Selectmen and the Board of Public Works became parties, with the result that a court judgment was signed by all parties in July 2008. M. Lanza said that the Board can listen to residents' concerns, and discuss a potential modification of the judgment with the thirteen plaintiffs. However, there is no recourse without the plaintiffs' agreement. T. Boschetto asked if the discussion must take place in an open meeting; M. Lanza said yes, there is no threatened litigation. C. Karlson asked if hearings were held; M. Lanza said no, the negotiations were private. J. Nolan asked if the Board of Selectmen can provide a venue to hear concerns. M. Lanza said yes, and suggested including the Board of Public Works. T. Boschetto moved, seconded by E. Collins, to encourage the Board of Selectmen to facilitate the discussion involving the judgment and traffic mitigation on Glezen Lane. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Police Chief Traffic Issues** Police Chief Robert Irving joined the Board to discuss traffic issues. He said that in 2005, a traffic problem was created by motorists using Thompson Street as a cut-through due to the traffic lights installed at Oak Street. He said speed bumps and speed zones were installed; he said that although the count is down slightly, it may be a result of the limited enrollment at Loker School. He also said the road is too narrow to support two-way traffic, and requested that the traffic be directed one-way for a trial period. M. Antes moved, seconded by E. Collins, to make Thompson Street one way, in an eastbound direction, from Loker Street to Rice Road, for a six-month period, at which time the situation will be reassessed. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

R. Irving addressed the traffic problem at East Plain Street/Commonwealth Road/School Street. He expressed concern over the high accident rate and the overall safety of the area. A study was undertaken by Kevin Dandrade of TEC Engineering, and three options were presented. At a meeting of the Board of Public Works in July 2014, the Board approved a one-month temporary change in the traffic pattern as per Option One. T. Boschetto and J. Nolan expressed interest in pursuing Option Three. The Board discussed the designated park land and monument at the intersection, and said a permanent plan will likely require an act of legislature. R. Irving said the temporary option will be channelized with Jersey barriers, and will be in place for approximately a month for evaluation; the only cost will be the purchase of signs. He said he will be meeting with local business owners to discuss the need to mitigate potential traffic through their parking lots, and access by delivery trucks. T. Boschetto said the town should pursue the best option first (option three), as there are residents and children at risk. George Bernard, 103 East Plain Street, said a good friend was killed crossing School Street, and urged the Board to at least try Option One. J. Nolan asked for more information from TEC Engineering and the Board of Public Works. Linda Segal, 9 Aqueduct Road, said the Historical Commission should also be included.

**A8. Interviews – Audit Committee** Inna Kisseleva-Deeley appeared before the Board to interview for an appointment to the Audit Committee. She described her background and interest in finance. T. Boschetto thanked her for applying, and asked her to serve with enthusiasm and help foster change. C. Karlson encouraged her to review past audits online. C. Karlson moved, seconded by M. Antes, to appoint Inna Kisseleva-Deeley as the representative of the Board of Selectmen to the Audit Committee for a term to expire on June 30, 2017. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Interview –River’s Edge Advisory Committee** Robert Morrison appeared before the Board to interview for an appointment to the River’s Edge Advisory Committee. He described his background, and said he looked forward to making the most of the town land. C. Karlson asked if he did any other volunteer work; he said he is on the Cultural Council. M. Antes moved, seconded by E. Collins, to appoint Robert Morrison to the River’s Edge Advisory Committee as member at-large for a term to expire upon the final disposition of said land by sale, lease or otherwise. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. E. Collins expressed concern about appointing Jerome Heller to the committee without an interview and the Board agreed to schedule an interview with him at the next meeting.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by E. Collins, to approve the revised consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Correspondence** The Board reviewed the week’s correspondence. C. Karlson noted the state did not approve the special speed request for Stonebridge Road. The Board discussed taking a position on ballot question one in the November state election; while J. Nolan expressed support, it was the sense of the Board not to take a position. E. Collins asked for an update on the public records request of Linda Segal to the Planning Board.

**A12. Report of the Town Administrator** R. Mercier discussed the fall agenda schedule, including a meeting with State Legislators on September 15, the budget schedule, the Finance Committee meetings in September, the legal fee survey, and the Ameresco meeting.

**A13. Selectmen's Reports & Concerns** M. Antes described the upcoming MetroFest to the Board. She said the organizers are looking for cultural, historic and artistic presentations that represent Wayland, and there is a \$500 entry fee. C. Karlson moved, seconded by E. Collins, to authorize Mary Antes to pursue participation in the MetroFest on September 20, 2014. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes said the Council on Aging is sponsoring a meet and greet for candidates for the state house and senate. The Board discussed items for future agendas, including a Glezen Lane forum and preparation of the 2015 Annual Town Meeting schedule. M. Antes and C. Karlson discussed holding office hours. E. Collins asked that the Board consider requesting funds from the Community Preservation Committee for the housing trust.

**A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
J. Nolan said "There are none."

**A15. Adjourn** There being no further business before the Board, C. Karlson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:20 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the August 11, 2014, Meeting**

1. A copy of the Land Court plan in 1946 presented by Town Counsel Mark Lanza including Lots 1, 2, 3 and 8A and 8B, owned by developer, and Strip of Land designated "Way"

**Items Included as Part of Agenda Packet for Discussion During the August 11, 2014 Board of Selectmen's Meeting**

1. Memorandum of 8/6/14 from Police Chief Robert Irving to Robert Mercier, Interim Town Administrator, re: Thompson Street
2. Memorandum of 8/6/14 from Police Chief Robert Irving to Robert Mercier, Interim Town Administrator, re: East Plain Street/Commonwealth Road/School Street
3. Résumé of Inna Kisseleva-Deeley, DPA, MST, Applicant to the Audit Committee
4. Résumé of Robert B. Morrison, Applicant to River's Edge Advisory Committee
5. Résumé of Jerome Heller, Applicant to River's Edge Advisory Committee